

STIVEN SIRI-REYNOSO  
 USM# 79315-054  
 USP BIG SANDY  
 USP, P.O. BOX 2068  
 INEZ, KY 41224

USDC SDNY  
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REQUEST FOR SANCTIONS  
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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STIVEN SIRI-REYNOSO, :  
 :  
 Movant, : Civil No. 21-cv-11009(CM)  
 vs. : Crim. No. 17-cr-0418-02(CM)  
 : REQUEST FOR SANCTIONS:  
 : FAILURE TO COMPLY WITH SCHEDULING ORDER  
 UNITED STATES OF AMERICA, : SET BY COURT ORDER DATED: JANUARY 04, 2022,  
 : ORDERED TO ANSWER MOTION TITLE 28, U.S.C.  
 Respondent. : § 2255 - USDJ - COLLEN McMAHON

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MOVANT MOTION FOR ISSUANCE OF SANCTIONS

FOR FAILURE TO COMPLY WITH SCHEDULING ORDER SET BY COURT ORDER

COMES NOW the Movant, Stiven Siri-Reynoso in Pro Se, in necessity, and hereby moves this Court to issue Order Granting Movant Petition pursuant to Title 28, U.S.C. § 2255 (Civil No. 21-cv-11009(CM)), or in the alternative that, this Court issue an Order requiring the Government to Show Cause as to why the Movants Petition § 2255 should not be granted pursuant to rules governing § 2255, Rules 4 and Rule 5, for failure to file a timely response/motion due to un-excusable neglect, unexplained. In support, Movant shows the Court the following:

- 1) On or about December 2021; the Movant filed a detailed Petition Title 28, U.S.C. § 2255, with Exhibit's.
- 2) Rules governing 28 U.S.C. § 2255 proceedings in the United States District Courts, Rule 4(b) states in part:  
 "If the Petition/Motion is not dismissed, the Judge must order the United States Attorney(s) to file an answer ..."
- 3) In accordance with Rule 4(b) the Court issued an Order on action Civil No. 21-cv-11009(CM), dated; January 04, 2022, having concluded that the motion brought under 28 U.S.C. § 2255 should not be summarily dismissed as being without merit, See Herein Attached Copy.

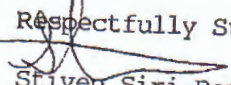
MEMO ENDORSED

4/12/22  
 Collen McMahon  
 Motion for Sanctions Denied — Govt submitted its response to defendant's motion and served it on defendant. The Government has reserved defendant's response to this motion. Def. has 30 days from the date of this order to file a Reply

- 4) The Court Ordered the Clerk of Court to electronically notify the Criminal Division of the U.S. Attorney's Office for the Southern District of New York that this Order has been issued. See Herein Attached Copy of Court Order, Dated; January 04, 2022, USDJ Colleen McMahon.
- 5) The Court Ordered that, within sixty days of the date of the date of this Order (January 04, 2022) the U.S. Attorney's Office shall file an answer or other pleadings in response to the Movants motion. Movant shall have thirty days from the date on which Movant is served with Respondent's answer to file a response. Absent further order, the motion will be considered fully submitted as of that date. See Herein Attache Copy of Court Order, Dated; January 04, 2022, USDJ Colleen McMahon (USDJ-SNY).
- 6) By the time of date April 04, 2022, over 90 days of the issuing of the Court Order on January 04, 2022, Ordered the Government to answer or file other pleadings in respond to Movants Petition § 2255, and the Government elected to disregard to Courts Order and did not filed a pre-answer motion to dismiss or a motion for an extention of deadline. Failure to comply with Court Order or file a motion for extention of deadline or pre-answer motions is un-excusable neglect and the Government should be sanction for that unexplained neglect.

WHEREFORE NOW, above premises considered, the fact that the Government has disregarded the Order issued by this Court and has not submitted any pre-answer motions, and 90 days have past, without any motion due to excusable neglect, Movant moves this Court to Grant his request for an Order Granting Movants Petition to Title 28, U.S.C. § 2255, without the Government Ordered answer and motions in-relation to Movants § 2255 motion, or on the that, this Court issue an Order requiring the Government to Show Cause as to why the Movants Petition § 2255, should not be granted pursuant to rules governing § 2255, Rules 4 and Rule 5, for failure to file a timely response/motion due to un-excusable neglect, unexplained. And for all other sanctions the Court deems just and proper on this action.

Dated: March 31, 2022  
USP BIG SANDY

Respectfully Submitted,  
  
Steven Siri-Reynoso